

In the Indiana Supreme Court

IN THE MATTER OF)
REQUEST FOR APPROVAL)
OF LOCAL RULES)
FOR COURTS OF RECORD IN)
LaGrange _____ COUNTY)

Case No.

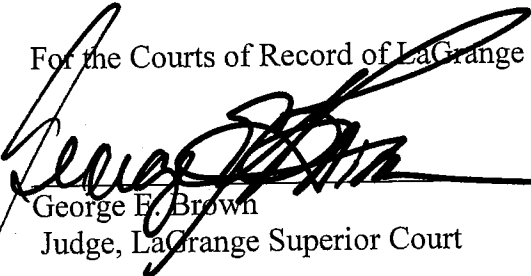
REQUEST FOR APPROVAL OF LOCAL RULE RE-ADOPTING CURRENT CASELOAD ALLOCATION RULE


The judges of the courts of record of LaGrange County have met and reviewed the 2007 weighted caseload statistics of the courts of record, which review reveals that the difference in utilization between any two courts of record does not exceed .40 based on the 2007 Weighted Caseload Report.

Accordingly, the judges of the courts of record have decided to re-adopt their local rule pertaining to caseload allocation as required by Administrative Rule 1, which local rule had previously been published for public comment as required by Trial Rule 81 and which has been approved by the Supreme Court, and request the Supreme Court to approve the re-adoption of the local caseload allocation rule.

Submitted this 30th day of May, 2008.

For the Courts of Record of LaGrange County


George E. Brown
Judge, LaGrange Superior Court


J. Scott VanDerbeck
Judge, LaGrange Circuit Court

LR44-TR 00-9- Case Assignment

- A. All cases arising under Indiana Code Title 9, or in the instance of cases containing multiple counts, where any of the counts arises under the Indiana Code Title 9, shall be filed in the LaGrange Superior Court.
- B. All cases arising under Indiana Code 35-46-1-5 shall be filed in the LaGrange Circuit Court.
- C. All other criminal cases shall be filed first with the Clerk of the Court. The Clerk shall docket cases with each court by using a system of "lot" or random selection while ensuring that an equal division of the felony and misdemeanor cases exist between the Courts.
- D. The Judges of the LaGrange Circuit and Superior Court shall meet during the months of July and January, of each year to review the caseloads of the Courts. They shall, at those meetings, make any transfers of cases which they deem necessary to provide for the more expeditious handling of cases in LaGrange County and to help to alleviate any disparity in the Courts' caseload.

Further, the Judges shall meet to discuss caseloads and make transfers at such other times as either Judge may deem necessary.

LR44-TR 79-10- District Caseload Distribution

A. DEFINITIONS

"Over-utilized counties"-Counties in which, according to the most recent Weighted Caseload Measure (WCM), the judicial officers are being utilized at greater than the statewide average.

"Under-utilized counties"-Counties in which, according to the most recent WMC, the judicial officers are being utilized at more that twenty-five (25) percentage points below the statewide average.

"Other counties"-Counties in which, according to the most recent WMC, the judicial officers are being utilized at the statewide average, or within twenty-five (25) percentage points below the statewide average.

B. RULE

- 1. In all cases in which a special judge is required under Trial Rule 76, Trial Rule 79 (H) and the Local Rules adopted hereunder, shall be the exclusive method for selection of special judges.

2. Special Judges in the over-utilized counties will be selected from a list of judicial officers in the under-utilized counties only. In order to fairly and evenly distribute these assignments, and taking into account geographic considerations, based on the 1998 WCM, appointment of special judges will be as follows:
 - a. In Allen County, from a list of the nine (9) judicial officers in Adams, LaGrange, Steuben and Wells counties;
 - b. In DeKalb County, from a list of the five (5) judicial officers in LaGrange and Steuben counties;
 - c. In Huntington County, from a list of the four (4) judicial officers in Adams and Wells counties.
3. Special judges in the under-utilized counties will be selected from a list of judicial officers in the under-utilized counties only. In order to fairly and evenly distribute these assignments, and taking into account geographic considerations, based on the 1998 WCM, appointment of special judges will be as follows:
 - a. In Adams County, from a list of the other judicial officer in Adams County and the two (2) judicial officers in Wells County;
 - b. In LaGrange County, from a list of the other judicial officer in LaGrange County, and the three (3) judicial officers in Steuben County;
 - c. In Steuben County, from a list of the other judicial officers in Steuben County and the two (2) judicial officers in LaGrange County;
 - d. In Wells County, from a list of the other judicial officer in Wells County and the two (2) judicial officers in Adams County.
4. Special Judges in other counties will be selected from a list of judicial officers from the other counties similarly situated. In order to fairly and evenly distribute these assignments and taking into account geographic considerations, based on the 1998 WCM, appointments of special judges will be as follows:
 - a. In Noble County, from a list of other judicial officers in Noble County and the two (2) judicial officers in Whitley County;
 - b. In Whitley County, from a list of the other judicial officer in Whitley County and the three (3) judicial officers in Noble County.

5. The method of selection from the list of special judges shall be that each judge maintain a list of special judges available to his or her court, and, going from top to bottom, select the special judge in sequence until each judge on the list has been selected once, before any one judge is selected twice, et cetera. This list shall remain confidential to the judge and designated staff.
6. The special judge selected hereunder, shall have the sole discretion to transfer the proceeding under Trial Rule 79(M).
7. By requesting a special judge, the parties specifically waive selection of a special judge under Trial Rule 79(D), Trial Rule 79(E) and Trial Rule 79(F), and they specifically waive any objections to the transfer of the proceeding under Trial Rule 79(M), should such transfer be ordered by the Special Judge.
8. Each special judge receiving a case hereunder shall keep track of the number, type and resolution of the cases to quantify the additional judicial work and report such to the Division of State Court Administration quarterly.
9. Each judge sending a case hereunder shall keep track of the number and types of cases sent and report such to the Division of State Court Administration quarterly.
10. This rule applies to only civil cases, and does not apply to selection of a special judge in criminal or juvenile cases.
11. The judges in District 3 shall meet by May 1 of each year to review the WCM from the previous year and shall meet in September of each year to review the impact of this rule. No later than October 1 of each year the judges of District 3 shall adopt a rule for the succeeding year.
12. All previous local rules adopted regarding the selection of special judges are repealed to the extent that they are inconsistent with this rule.